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in the chief Museum of the country the evidence of what America has done and indeed the material for full appreciation of the development of American art. Our own countrymen should expect nothing less. The achievements of American art, using the word in its broadest sense, and the position accorded to it at recent international expositions warrant us in giving it an important place in our American museum.

"This is a direction in which the Museum should be able to appear successfully for its needs to the generosity and patriotism of our private citizens, who own the finest American works of art, and many of whom will undoubtedly be glad to give to their ownership a public use."

Following the suggestion frequently made that the Museum should state its need in this direction, the Trustees had prepared and printed in the Report, lists of the deceased American artists who are not represented at all, or not adequately represented in the collections. The results of this appeal were immediate. Many pictures have been offered for sale, from which have been culled the fine portraits by Stuart, noticed in another column.

It is with especial gratification that the attention of the members of the Museum is directed to the "Accessions by Gift," where so many fine examples of the work of our own artists are recorded.

THE SATURNALIA CASE

MUCH has appeared in the public press during the past year quite aside from the point respecting the suit brought against the Museum by the Italian sculptor, Ernesto Biondi. Now that it has been judicially decided a brief statement respecting it would seem to be appropriate.

The suit was brought to collect damages from the Museum for its failure to publicly exhibit the "Saturnalia" pursuant to a contract which the artist claimed to have made with the Museum. The "Saturnalia" is a colossal group consisting of nine figures, intended to represent in realistic manner an episode of the Roman Saturnalia. The sculptor, Ernesto Biondi, had made two original groups. One of them was exhibited at the Paris Exposition of 1900, where it was awarded a Grand Prix and was subsequently acquired by the Italian Government for the National Gallery of

Modern Art in Rome. The other (whether it was the same original exhibited in Paris or its replica is unimportant) was sent to the Pan-American Exposition at Buffalo, where it was set up in a section of the Exhibition grounds known as "Venice in America." It was sent to America by the artist in hope of effecting a sale. Toward the close of the Buffalo Exposition, when no sale of it had been made, the interest of the late General L. P. di Cesnola, then Director of the Museum, was enlisted by Italian friends of the sculptor, among them a member of the Italian Embassy at Washington, and General di Cesnola arranged to receive the group at the Metropolitan Museum for public exhibition. Except for exhibition in such a public museum, the group would necessarily have been exported or would have been subject to custom duties. By its transfer to the custody of the Metropolitan Museum for exhibition, the artist sought to arrange so that duties would only accrue when and if it were sold, and if not sold the opportunity for returning it to Italy without payment of duty would continue open. The group was received at the Museum, and was set up as the central object in the new Fifth Avenue hall, which was first opened to the public in December, 1902. Before this hall was opened and before any public exhibition of the group, it was privately seen by some persons, including several members of the Board of Trustees, and articles appeared in the New York papers severely criticising the Museum for proposing to exhibit the group. These criticisms were chiefly directed toward the grossness of the subject and its inappropriateness for exhibition in a public museum in America.

At a meeting of the trustees held in November, 1902, previous to the opening of the new hall in which the statue was set up, a resolution was passed instructing the Director to remove the group from public exhibition by reason of the hostile criticisms made as to its subject, and these instructions were carried out.

It appeared that when the group was received at the Museum, a receipt was given for it in the following form:

THE METROPOLITAN MUSEUM OF ART
"CENTRAL PARK 157

"NEW YORK, January 17, 1902.

"Received from Mr. Costantino Biondi
"the objects described below, for exhibi-

"tion, subject to the conditions expressed on
 "the other side of this receipt. For the
 "Director

"P. H. REYNOLDS,
 "Assistant Curator.

"NO. DESCRIPTION OF OBJECTS. VALUE.

"A bronze group called 'Saturnalia.'

"The sculptor and owner of which is Mr.
 "Ernesto Biondi, of Rome (Italy).

"It is agreed with his brother, and agent,
 "Mr. Costantino Biondi, that the 'Saturn-
 "alia' loaned to the Museum for public ex-
 "hibition is for one year to begin from the
 "date of opening the New East Wing.

"This agreement may be prolonged be-
 "yond the period of a year by mutual con-
 "sent between the owner and the Museum,
 "the latter having permission to photograph
 "the said group as long as it is on exhibition.

"RULES RELATING TO WORKS OF ART RE-
 "CEIVED BY THE MUSEUM ON LOANS OR
 "APPROVAL FOR PURCHASE.

"1. The shortest time for which Works
 "of Art will be received for exhibition is six
 "months, and they will be returned only
 "upon the written order of the lender en-
 "closing this receipt."

There are other Rules but they are im-
 material in this connection.

The artist claimed that this receipt con-
 stituted a contract on the part of the Mu-
 seum for the public exhibition of the statue,
 and sought to recover \$200,000 for breach
 of this contract. The suit was tried before
 Hon. Justice Leventritt and he decided (1)
 that the receipt, so-called, did not constitute
 a contract for the public exhibition of the
 statue and (2) that even if it did, the Direc-
 tor had no authority to bind the Museum to
 such a contract. He therefore directed
 judgment in favor of the Museum. While
 there was much evidence produced at the
 trial respecting the high standing of the
 sculptor and the excellence of his statue, the
 only legal questions which entered into
 the decision were those above stated.

The suit has been given a wide notoriety
 in the public press, and from some of the
 articles printed it would seem as if the repu-
 tation of the artist or the artistic quality of
 his work had been challenged. This was
 not the case. The only question before the
 Trustees of the Museum related to the ex-
 pediency or inexpediency of exhibiting the
 "Saturnalia" in a public museum visited by
 children as well as by adults, where, by

reason of its size, it must necessarily force
 itself upon the view of every visitor. Nor
 were they called upon to consider this ques-
 tion simply on their own initiative. The
 propriety of such an exhibition had been
 brought to their attention by newspapers
 representing a public opinion which should
 command respect. Their action went no
 further than to decide against the expediency
 of exhibiting the group in the public institu-
 tion of which they had charge, in view of the
 public opinion respecting the subject and
 the manner in which the artist had treated
 that subject, an opinion in which many of
 them concurred.

That their action should be deemed any
 reflection on the personality of Signor
 Biondi or upon the quality of his art, con-
 sidered as art, is unjust to him and to them.
 It is even more unjust to magnify it into an
 international episode and to infer from it on
 the part of our Museum any discourtesy to-
 ward Italy or the Italians. No art museum
 can fail to recognize the debt which art in all
 countries owes to Italy, and no institution
 which has honored the Italian people by
 selecting as its first Director an Italian and
 keeping him continuously in office until his
 death can be justly accused of discrimina-
 tion against Italians.

That this incident should have given great
 annoyance to the sculptor and to those in
 Italy and America who admire his produc-
 tions, was inevitable and is to be regretted.
 There is, therefore, all the more reason for
 making it plain that neither the action of
 these American Trustees or the decision of
 the American court involved any adverse
 judgment as to the character or reputation
 of Signor Biondi, or the artistic qualities of
 his statue.

THREE NEW CATALOGUES

PAINTINGS IN THE METROPOLITAN
 MUSEUM OF ART (xl, 248 pp., pl. oc-
 tavo, prices \$1.50 and 25 cts.)—This volume
 was prepared by the Curator of Paintings, Mr.
 George H. Story. It is issued in three forms,
 in cloth, in paper, and in an edition without
 plates.

The preliminary matter consists of an
 historical preface, a list, chronologically
 arranged, of artists by schools, and a "Nu-
 merical Index to the names of Artists and of
 the Subjects," the latter showing the pic-
 tures in the order in which they are hung in
 the galleries.